

Message Text

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ACTION NEA-10

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FM AMEMBASSY NEW DELHI
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INFO AMEMBASSY COLOMBO
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AMEMBASSY KATHMANDU
CINCPAC
AMCONSUL BOMBAY
AMCONSUL CALCUTTA
AMCONSUL MADRAS

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CINCPAC FOR POLAD

E.O. 11652: NA
TAGS: PINT, SHUM,IN
SUBJECT: GOI RETREATS FROM PREVENTIVE DETENTION LAW

REF: NEW DELHI A-5

1. GOI HOME MINISTER CHARAN SINGH ANNOUNCED IN PARLIAMENT
MARCH 23 THAT THE GOVERNMENT WILL NOT AMEND THE CRIMINAL
PROCEDURE CODE TO PROVIDE FOR PREVENTATIVE DETENTION AS A
REPLACEMENT FOR MISA (MAINTENANCE OF INTERNAL SECURITY ACT).
HE ALSO REAFFIRMED THE GOI'S INTENTION TO REPEAL MISA
ITSELF AND SAID THAT A BILL TO ACCOMPLISH THIS WILL BE
INTRODUCED IN PARLIAMENT THIS YEAR. CHARAN SINGH'S STATEMENT
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WAS GREETED WITH CHEERS FROM MP'S FROM BOTH THE JANATA
AND OPPOSITION BENCHES.

2. THE HOME MINISTER'S STATEMENT APPEARS TO LAY TO REST A
BITTER CONTROVERSY WHICH HAD BEEN CIRCULATING WITHIN JANATA
RANKS FOR THE PAST SEVERAL MONTHS. IN ITS CAMPAIGN MANIFESTO
FOR THE 1977 LOK SABHA ELECTIONS, THE JANATA HAD PROMISED

TO REPEAL MISA AS ONE OF THE "DARK LAWS" ABUSED BY MRS. GANDHI DURING THE EMERGENCY. IN RECENT MONTHS, HOWEVER, THE JANATA GOVERNMENT HAD SECOND THOUGHTS ON THE SUBJECT AND CHARAN SINGH HINTED THAT SOME SORT OF PREVENTIVE DETENTION AUTHORITY MIGHT BE NEEDED TO DEAL WITH ANTI-SOCIAL ELEMENTS. IN LATE DECEMBER, THE GOI INTRODUCED IN PARLIAMENT A BILL TO AMEND THE CRIMINAL PROCEDURE CODE TO INCLUDE A PROVISION FOR PREVENTIVE DETENTION. THIS STEP EVOKED BITTER CRITICISM BOTH WITHIN THE JANATA AND OUTSIDE. THE CPM, FOR EXAMPLE, WAS PARTICULARLY HOSTILE TO ANY FORM OF PREVENTIVE DETENTION ACT. AT A MEETING OF JANATA MP'S TWO WEEKS AGO, PRIME MINISTER DESAI BECAME EMBROILED IN AN OPEN CONFRONTATION ON THE SUBJECT WITH RAM JETHMALANI, MP FROM BOMBAY AND RECENTLY- ELECTED CHAIRMAN OF THE INDIAN BAR ASSOCIATION. (JETHMALANI IS AN OUTSPOKEN ADVOCATE OF CIVIL LIBERTIES WHO FLED INDIAN AND WAS GRANTED ASYLUM IN THE U.S. DURING THE EMERGENCY.) WHILE ANNOUNCING THAT THE GOVERNMENT WILL WITHDRAW THE CRIMINAL PROCEDURE CODE AMENDMENT BILL, CHARAN SINGH ACKNOWLEDGED THAT THE PROPOSAL HAD AROUSED MISGIVINGS AND APPREHENSIONS IN PARLIAMENT AND OUTSIDE. HE ADDED THAT THIS OPPOSITION, AS WELL AS THE REALIZATION THAT THE JANATA HAD RECEIVED THE PEOPLE'S MANDATE TO RESTORE DEMOCRACY, HAD INFLUENCED THE GOVERNMENT TO RECONSIDER THE MATTER AND TO DROP ANY PROPOSAL FOR A PREVENTIVE DETENTION LAW.

GOHEEN

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